

from a private home. Most of these prisons are in rural areas, and the prisoners come primarily from city areas so that the cost of calls is almost prohibitive." The Coalition spends approximately \$100 per month on collect calls from inmates, and receives 20 such calls in a typical month.

The Archdiocese of Seattle-Criminal Justice Ministry serves all incarcerated individuals in and from Western Washington. The organization also provides support to inmates upon their release. Some inmates from Western Washington are sent to Corrections Corporation of America facilities via contracts with the State of Washington. This distance makes it difficult for inmates to stay connected with their families. It is well understood that an inmate's connection to their family is very important to their ability to succeed upon release. High phone rates make it that much more difficult for these relationships to be sustained.

The Family and Corrections Network serves prisoners' families throughout the United States. The Network hears many stories of the cruel burden on families trying to stay in touch by phone. One member calculated she had spent \$40,000 over 20 years on such calls. "It appears there is one reason that companies make the excess charges – because they can. This abuse must end."

The HIV/AIDS Volunteer Enrichment Network, Inc. (HAVEN) is a non-profit agency in Annapolis, Maryland that provides support services each year for over a hundred people living with HIV/AIDS in Anne Arundel County, Maryland. "Right now, two are in our prison system. We are their only link to the kind of support they need to deal with the physical, emotional and psychosocial impact of HIV and AIDS on their lives. We would answer their collect calls more frequently and talk longer if we did not have to pay so much per call." Currently, the agency must raise funds in order to accept calls at all, and can only afford to accept roughly a dozen calls per year.

Dr. Ronnie Maslin is a psychologist who works with incarcerated young men as part of Horizons Academy, a New York City public school on Rikers' Island. "For young prisoners in particular, the isolation and dislocation they experience is dramatic and contributes to depression and, at its worst, suicidal tendencies. Being able to stay connected to friends and family and to maintain relationships is crucial."

Dr. Eleanor Pam is Professor Emerita at the City University of New York where she served in the Inmate Education Program at John Jay College of Criminal Justice and also as the Director of its Domestic Violence Center. In her various roles as advocate, academic mentor, advisor and media spokesperson, she has an ongoing relationship with people in prison who call frequently at great personal expense to her. For inmates seeking post-graduate degrees, phone conversations with the academic mentor "are the most immediate and effective link to helping with questions regarding classroom work and progress. But they are also especially lengthy and expensive. Since studies show a connection between recidivism/rehabilitation and education, it would be helpful if the system supported, rather than impeded, this activity. Telephone costs should not be prohibitive for those who volunteer their time and energy." Dr. Pam receives several calls per week, and spends approximately \$40 - 55 per month. Each call she receives usually lasts about 30 minutes.

Resource Information Help for the Disadvantaged (RIHD) is a nonprofit, volunteer group located in Virginia assisting all disadvantaged people regardless of religion, color, creed and ethnic background; with a special emphasis on at-risk youth, incarcerated people, ex-offenders and their families and loved ones. RIHD provides services to inmates both within the Commonwealth of Virginia and outside it. Its mission is to improve the existence of their lives and to reduce the stress felt by all. RIHD provides at-risk youth preventive and prisoner re-entry information assistance, and legislative advocacy. RIHD also provides self-help rehabilitation programs such as: a) Sponsor an Inmate's Rehabilitation with Education Program (GED/Community College Assistance); b) "Learn Before **You** Earn" Investing in Your Future Program (Financial Planning); c) Inmate Artistic Works "**4**" Sale Fundraiser (Literary, Art, Music); e) Monthly Transportation Service To VA Prison (Southwestern VA Prisons).

Virginia C.U.R.E. (Citizens United for Rehabilitation of Errants - Virginia, Inc.) is a membership organization whose focus is on the Virginia criminal justice and prison systems and the people whose lives are impacted by these systems. Activities are organized to provide information, education and support to families, those who are presently or formerly incarcerated, and other concerned citizens. By a law effective January 2006, the Virginia Department of Corrections and MCI were obliged to set up a pre-pay system for collect calls from prisoners. Instead of rates based on free world charges, a "pre-pay" collect system was put into place based on the collect call rate. The savings through this system is about 17%. The rebate to the state's General Fund was reduced from 40% to 35% by the new contract. The cost is still prohibitive for many families to communicate by phone. Additionally, MCI requires that persons receiving collect calls must prepay to MCI **up** to \$100. If this amount is used up, MCI blocks calls until prepayment is on the account. In Virginia, families send funds to their loved ones for: 1) medical co-pay; (2) commissary items; (3) books and magazines; (4) radio and TV; (5) Spring and Christmas food packages; and any other personal item that is needed, plus the cost of traveling great distances for a visit that in many cases is not possible.

C. Attorneys

Charles S. Aspinwall, J.D. LLC provides legal representation for a number of prisoners in private prison facilities, including Corrections Corporation of America. "The collect telephone costs from **CCA** inmates are prohibitive under the current rate structure, imposing a severe hardship on inmates in attempting to keep in touch with their families, and interfering with the attorney-client relationship by making telephone consultations/communications unreasonably expensive. Also, the present CCA collect call system cheats by padding the minutes used in that our offices get charged for more time than we actually use. We time our calls and CCA calls are inevitably billed at from 25-33% more than our timers indicate. Additionally, certain inmates are arbitrarily blocked from calling us, again interfering with the attorney-client relationship."

The Aspinwall ~~firm~~ is located in New Mexico, where most of the firm's clients are incarcerated awaiting trial. However, since New Mexico does not have a Bureau of Prisons facility, a "significant number of our clients over the years" have been convicted and sentenced out of state and are located in Texas, Arizona, Colorado and Oklahoma. "We attempt to keep them as close to home as we can so that their families may have access to them, although the nearest facilities are La Tuna TX, Safford AZ and Florence CO, each a considerable distance from Albuquerque NM."

The firm receives approximately **25** collect calls from inmates per month, for a total of 55-190 minutes on average per month, and pays **\$75 - \$250** on average to receive such calls. The firm provides inmates in some institutions, both public and private, with pre-paid phone cards with which to make calls; however, inmates in CCA facilities are not permitted to use such cards. Therefore, because **of** the high costs of calls from CCA inmates, the firm discourages calls and instead provides postage and writing materials to them “to keep costs down.”

The Capital Appeals **Project** is a non-profit law office established to provide representation to all indigent defendants sentenced to death in Louisiana. The staff represents clients in their direct appeals to the Louisiana Supreme Court and on certiorari to the United States Supreme Court. In addition to direct representation, our attorneys also staff and resource ongoing capital trials, provide training and consultation for capital defense attorneys, engage in public outreach and education on issues relating to capital punishment, and advocate for continued improvement in the criminal justice system.

“The high rate of collect calls from our clients has a direct impact on our operating budget as well as our ability to establish and maintain professional and productive attorney/client relationships with individuals engaged in a life or death process. Given the intellectual deficits of the majority of our clients, written motions and other communications often must be explained with a telephone call. The high rate of calls also directly affects our clients as they attempt to maintain healthy relationships with family members and friends. It is not uncommon for a client to learn that his mother or father or sister or aunt has had a block placed on an approved phone number due to unpaid phone bills.

Following the devastation wrought by Hurricanes Katrina and Rita, we had numerous clients—those on death row and numerous clients simply charged with crimes—who had no way to determine whether family members were safe except through costly phone calls. The devastation of the storms exposed the unfair and harmful practices of collect calling rates for inmates and detainees and significantly impacted my program’s budget. Resources that could have been used to rebuild our infrastructure and provide desperately-needed emergency legal services in the wake of the storms were simply unavailable as we scrambled to cover astronomical costs of calls from prisons and jails throughout Louisiana.”

The Capital Area Immigrants’ Rights Coalition (CAIR Coalition) directly represents, distributes legal resources to, and places cases with pro bono attorneys on behalf **of** immigrants detained in remote county jails, a job that requires frequent phone communication with clients. “Immigrant detainees are supposed to be able to call our organization for free from the jails where they are detained, but frequently the phones are out of service for weeks—even months—at a time. During these periods when the jail phones are malfunctioning, many clients attempt to call us collect, but we cannot take their calls due to the high price; when the phones are not —working at a jail, **we** have no way of easily communicating with **our** clients and **our** work **is** severely hindered. If collect call rates were more reasonable, we would be able to accept collect calls and serve more clients more effectively.” CAIR would also be able to serve a “broader range of detained immigrants” if the organization could afford to receive collect calls.

The Center for Appellate Litigation is an appellate public defender working in Manhattan and the Bronx. Almost all of the Center's clients are in prisons in upstate New York. To the extent prisoners must call their relatives, the collect calls are draining their families' resources. To the extent prisoners are calling the Center, it drains the Center's already overstretched budget. Currently, the Center accepts 45-55 calls during an average month, and spends roughly **\$215** per month to accept them. The total call time elapsed is between **200** and 300 minutes.

Gail Ball is an attorney providing post-conviction relief who asks the Commission to "lower those horribly high rates—prisoners need to keep in touch with their families in order to have a support network when they are released. The high cost of these calls is a tremendous hardship on families of inmates." As an attorney, Ms. Ball reports, "[T]he practical effect of having these high costs cuts off most prisoners from legal assistance. If an inmate goes to a counselor's office to place an attorney call, someone is always near to overhear the conversation (it's not private), and it takes time to have an attorney's phone number added to the inmate's list, and, even if it he is on the attorney's list, most attorneys do not accept these calls because of the high cost."

Ms. Ball and her associates spend on average **\$200-\$225** per month on collect calls, and receive 35-40 such calls in a typical month. They generally spend **500-525** minutes per month on collect calls received from inmates.

The Bronx Defenders is a holistic public defender office that brings together interdisciplinary work groups combining criminal defense and civil lawyers, client advocates, investigators, and **family** court advocates in order to address not just an immediate criminal case, but a host of issues that drive its clients into the criminal justice system. Based on its work with clients, the Bronx Defenders believes that staying connected to families is a significant support for clients while they are incarcerated, and a critical component of their reentry. The Bronx Defenders does not believe its clients should be charged more than the average consumer to call their loved ones.

The Florence Immigrant and Refugee Rights Project is the only free legal service provider to the **2500** men, women and children detained by ICE in Arizona on any given day. "Most of our clients are indigent and have family across the country with whom communication is often impossible due to the extremely high cost of placing telephone calls from the detention facilities. In many cases, communication with family members is essential **for** both the client's well-being and legal case. Our clients are detained in a DHS run facility as well as CCA facilities in Florence and Eloy Arizona."

David Goldberger has litigated for over 35 years on behalf of the rights of prison inmates to be treated according to the principles of the United States Constitution and the principles of basic fairness.

Kathy Goudy has been a criminal defense practitioner in federal and state courts since 1983. "As much of my practice involves **appeals**, I am painfully aware of the difficulty prisoners have in making calls. A simple 5-10 minute call to work on defense issues runs about \$11.00 in the state prison system, and **\$16.00** from county jails when all surcharges and kickbacks to the sheriffs are added up. It is outrageous, particularly as my cases are court-appointed, so these

calls are then paid for by the state agencies. In effect, funding for this corrupt system is paid for by tax dollars.

Additionally, I know of at least five low to middle income families who had their phone services cancelled or put into collections because they accepted collect calls from family members before realizing the usurious rate of calls, and then received phone bills exceeding **\$500** for one months service. I also know of a mother who was unable to locate her son, who had never been trouble before, for over **4** days because he could only call out collect, and she only had a cell phone. Cell phones generally cannot accept collect calls. He was finally able to get a neighbor to accept a collect call, and she was immediately able to bond him.

The collect system contributes to an inability of a prisoner to seek legal help. Years ago I was able to contract for a 1-800 number that would allow inmates to call me directly, and my rates were reasonable. This is now not allowed, as the prison gulags do not get their piece of flesh out of each call. It is an outrage.

Communication is essential for persons behind bars to reach a reasonable and timely resolution of their matters. Ironically, the system assists chronic offenders who know bonds people, and are able to avoid the consequences. Please change these regulations!"

The **Kern County Public Defender's Office** is a public defender office in California. "The enhanced costs for inmate phone calls are borne by inmate families and public defender offices. Inmate families uniformly exist below established poverty levels. In fact, the poverty level for most of these families would represent a huge elevation from their present position. Common decency suggests that these families not have their present meager household finances further depleted by enhanced phone bills. Without elaboration, suffice it to say the children of incarcerated fathers (and mothers) are peak at-risk children. in. our society and will statistically follow in the footsteps of their parents.

Public Defender Offices in California are required to accept collect calls from incarcerated inmates. Public Defender Offices are typically funded at the existence level and are insufficiently funded for extensive phone bills. While most Americans identify themselves with a high regard for the freedoms and liberties guaranteed by our Constitution, funding for the protection of these rights and liberties has never been generous. Profits from Public Defender Offices and inmate families should be carefully examined. Enhanced billing for inmate phone calls requires correction."

Suzanne Griffin is an attorney representing individuals who are detained in immigration custody. Very often, they cannot contact family members to get documents for their case or even to let them know that they are detained, because the only way they can call is to call collect. "Many people have a phone service that does not accept collect calls. I have other clients who spend thousands of dollars while their loved ones are incarcerated and sometimes have their phone disconnected altogether because they do not realize how the calls add up overtime.

"Recently, my own daughter was incarcerated in a County jail for a few months. **During** that time, my phone bill jumped about **\$200** per month. She was calling **3-4** times per week with an

average of 5-10 minutes per call. This was a severe strain on my budget. I can't imagine how families manage who have fewer resources than I do, and whose family member is incarcerated for years.

"I have never understood why the calls need to be any more expensive than other types of calls using the same phone lines. . . . If debit card calling plans were cheaper, that would be my first choice. However, I think the rate for all phone calls should be reduced, both collect and debit card rate."

Melissa Hill is an attorney in New Mexico representing a number of clients in state prison. "It is an outrage that I am denied contact with clients unless I am willing to accept collect charges that **are** confiscatory. If I accept only a few calls from each client, my bill exceeds \$100 **per** month. Clients are also denied contact with family members, including their children, at these confiscatory rates. Please impose caps and permit clients to use cards that would reduce their phone rates and make contact with lawyers and family affordable."

The **Knox County Community Law Office** is involved exclusively in the representation of indigent defendants charged with criminal offenses. "As such, a large percentage of our clientele is in some detention setting, whether in a local facility or in a state prison system. Moreover, by definition, the individuals represented by our office have incomes falling within certain limits in **order** to qualify as public defender clients. This creates situations where, in many cases, funds are not available for collect calls. Our office's interest in the regulation of telephone rates revolves around several issues.

"First, inmates, upon initial incarceration, need to be able to contact family members and employers to discuss bonding matters, financial/parental/housing and work-related concerns. To the extent that such contact requires the placement of collect calls at outrageous rates, this contact is often not established or at the very least delayed. Additionally, our detention facility is located quite a distance from population centers. That, combined with the prohibitive costs associated with transportation, would make the issue of equitable telephone charges a timely one to raise and address.

"Second, if incarcerated locally for any period of time, for example, as pretrial detainees unable to post bond or as inmates serving local sentences, the ability to maintain contact by telephone conversation with family members becomes significant. Such regular communication certainly assists in the inmate's ultimate transition from a jail setting to community and family. Indeed, encouraging close ties with family and community has been the underlying philosophy of the Tennessee Department of Correction's policy of placing, if possible, inmates in state prison facilities near their hometowns and families. This is an acknowledgment that such contact is crucial to fostering family relationships and to contributing to the rehabilitation of the inmate. Therefore, to the extent that such contact is limited or denied due to the high collect call rates, this contributes to the isolation of the inmate and to the deterioration of family and community ties.

"Finally, if inmates seek assistance in terms of treatment programs, halfway house placements

and other social-based programs, the ability to phone these agencies to engage in telephone assessments and to make arrangements for placements is an essential part of inmate rehabilitation. Again, to the extent that high telephone rates discourage such outreaching by inmates, this contributes to continued incarceration rather than the rehabilitation of the inmate.

"If housed locally at the **Knox** County Detention Facility or the Knox County Jail, inmates represented by our Office are permitted to place free calls to their legal representatives. A local attorney who accepts appointed cases, however, is charged \$1.50 for every 10 minutes to speak with his indigent, appointed client calling from one of the local jail facilities. At the end of this time period, the call is terminated, and the inmate must maintain access to the telephone and call again in order to continue his conversation. Beyond the client-attorney call, all other calls to family members, employers, social service providers, as examples, are by collect calls. Again, such local calls are charged at a rate of \$1.50 for every 10 minutes. Moreover, individuals receiving such calls from inmates must make pre-paid arrangements with the telephone company contracted with the jail facility in order for these calls to be completed. Under Pay Tell Communications that now has the telephone contract with the local jail facilities, the private individual accepting such collect calls must pay in advance.

"By contrast, inmates housed in the state prison system must place collect calls not only to family members and others but also to their legal representatives. Staff members, upon a recent visit with an inmate housed at Riverbend in Nashville, Tennessee, were advised by this inmate that collect calls were billed at \$1.92 for the first minute and 18 cents per minute after the first minute. Additionally, the family member of one of our inmates incarcerated in Hardeman County, a facility managed by Corrections Corporation of America, informed us that **4 or 5** collect calls per month results in approximately a \$20.00 per month charge on his phone bill. This expense is not an undue hardship for this particular family. However, the calls from this same inmate's wife, who is jailed in the Tennessee Prison for Women in Nashville, to these same family members are charged at a significantly higher rate and would create a financial hardship if she called more often. A recent four-minute call was billed at \$7.00, according to the family member."

Anthony **J. Keber** is an immigration attorney in Boston, a number of whose clients, most of whom are in Massachusetts but some of whom are incarcerated out of state, face this issue. "They call me collect. I would prefer a debit card system because it would facilitate my record keeping. The rates are very expensive for families, many of whom have limited financial resources and are forced to choose whether they spend money on speaking with a detained family member or, in the extreme, feeding their children."

The **Legal** Aid Society is a private, non-profit organization that has provided free legal assistance to indigent persons in New York City for **130** years. Through its Prisoners' Rights **Project** (PRP), the Society seeks to ensure that prisoners are afforded full protection of their legal rights. The Society advocates and litigates on behalf of prisoners in prisons, operated by the New York State Department of Correctional Services (DOCS), and New York City jails, and where necessary, engages in class action litigation to remedy unconstitutional, unlawful, and inhumane prison conditions, including inadequate medical and mental health treatment, mistreatment, brutality, and sexual abuse of prisoners, and discrimination based on disability. In

PRP's capacity as counsel and advocate, it relies heavily on telephonic communication with state prisoners, many of whom have poor to no writing and reading ability and cannot communicate effectively in writing. In addition to litigation, in its role as advocate and advisor to incarcerated individuals, PRP receives correspondence and collect calls from inmates all across New York State, from virtually all correctional facilities. PRP's provision of services to prisoners has been affected adversely by the exorbitant telephone charges and by the vagaries of billing practices related to receipt of collect calls from inmates in state correctional facilities, particularly arbitrary monetary limits which lead to telephone service blockages. Such limits are reached in an accelerated fashion due to the inflated rates imposed on the bill payer.

The Louisiana Capital Assistance Center (LCAC) is a non-profit capital trial office committed to providing quality legal representation to people facing the death penalty in Louisiana and the Deep South. The LCAC emphasizes client-centered representation, constantly seeks to develop new and innovative advocacy strategies, and also pursues systematic litigation related to issues involving racism in the criminal justice system and lack of adequate funding for representation.

Many of its clients are housed in prisons in remote locations in Louisiana or in neighboring states. Visiting prison is often time consuming and expensive. While our attorneys visit regularly, the majority of our communication with our clients is over the telephone.

On average, the LCAC spends \$550 a month on collect calls, which amounts to around \$6,600 a year. As a non-profit that operates on a tight budget, any money saved by the proposed rate cap would go towards the representation and welfare of LCAC clients. For example, an extra \$6,600 would allow us to double our mileage budget, giving our staff the opportunity to conduct more field investigation and to visit clients in person.

LCAC is also aware of the impact that the cost of collect calls has on the ability of our clients to maintain contact with their families. Our clients come from some of the poorest and most disadvantaged communities in the USA. A number of families simply cannot afford to accept collect calls. The high cost of calls, coupled with the difficulties associated with making a long-distance prison visit, means that some clients and their families have not had the chance to see or speak to each other for years.

Many of LCAC's clients are held in extremely restricted environments. This isolation is exacerbated by the limitation that the cost of calls imposes on their contact with the outside world. We have witnessed firsthand the devastating psychological impact that such isolation has on our clients, including severe self-harming behaviors and suicide attempts.

The Detention Project of the National Immigrant Justice Center (NIJC) provides legal consultation and counseling to individuals detained by Immigration and Customs Enforcement (ICE) in county jails around the Midwest. "Our clients include asylum seekers picked up at airports and borders; refugees seeking to adjust their status to lawful permanent resident; individuals arrested in workplace raids; long-term residents of the United States; individuals with criminal convictions; women; mothers with young children; and single parents. Because detained immigrants do not have the right to appointed counsel, they must find legal representation on their own. The main form of communication for detained individuals with potential legal service providers (as well as family members) is via telephone. NUC receives requests for legal representation from these individuals, many of whom are indigent or are newly arrived and do

not speak English, and accepts many of these cases. Therefore NUC, its clients, and detainees seeking legal assistance from NUC are all directly impacted by the costs of collect phone calls.

“Our organization periodically travels to the county jails contracted by ICE to offer Know Your Rights presentations and conduct in-person intake with the detainees. Nonetheless, due to NIJC’s limited human and financial resources, our primary means of communication with detained individuals is by telephone. For this reason the National Immigrant Justice Center offers a telephone number that detained immigrants may call collect to seek our assistance in their legal cases. Detained individuals may also purchase a personal calling card at their respective jails and call NIJC at their own expense. Because of the exorbitant costs of both collect and direct calls from the various jails, the result is that the ability of detained immigrants to communicate with legal aid providers like NUC is severely limited. This difficulty also directly impacts our legal representation of existing clients, as our primary way of preparing the legal cases for individuals is also via telephone. For individuals who are seeking free legal assistance, telephone access to attorneys may be the only manner to secure counsel, and avoid being forced to represent themselves.

‘Furthermore, our clients are detained in county jails, far from their families, and are only able to communicate with their families if they can afford the inflated cost of setting up a ‘calling account’ with the jail’s phone service company. Oftentimes, the detainees do not understand how expensive the service is until their family members receive exorbitant phone bills. This can force the family to refrain from receiving further phone calls from the detained individual or to shut off phone service if the family is unable to pay the bill. One client’s family member reported a **\$200** bill for two ten-minute phone calls. This cost is obviously prohibitive for a family of refugees or a family whose main economic provider is the person being held in detention. Not only does this result in isolating detainees from their families, it hinders their ability to communicate with family members to gather the documents that are necessary to preparing their immigration cases.’”

The NIJC reports an average monthly cost of **\$430** for the receipt of inmate collect calls, but notes that the actual cost per month ranges widely, to a high of \$908 in February of **2007**. Over roughly the past year, the NIJC has received roughly **34** calls per month for a total of 190 minutes per month. “Phone usage from local county jails is sporadic; oftentimes, detained individuals report that phone calls cannot go through on our collect line, or that the phone lines are down from their jail. Although we have tried to explore whether this is an issue on our end or on the jails’ end, the lack of transparency in phone service does not lend itself to resolving this problem. In approximately 2005, the Chicago District Office for ICE instituted a “Pro-Bono Platform” phone service in all of the county jails, which NUC understands is a pilot program, via which detainees can call legal services organizations and consulates. The phone numbers to these individuals are pre-programmed and detained individuals are supposed to be able to dial directly by punching in a relevant code. This system works sporadically from the jails and in fact not at all from some of the jails. Again, it has been nearly impossible for NUC to ascertain what the reasons [or these telephone service problem are.”

If the proposed regulations were enacted, "NIJC would be able to utilize the funds it saves from paying for collect calls by increasing legal [and other] services to the detained immigrant community without access to court-appointed counsel."

The National Association of Criminal Defense Lawyers (NACDL) is the preeminent organization in the United States advancing the mission of the nation's criminal defense lawyers to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL's 12,500 direct members in 28 countries — and 90 state, provincial and local affiliate organizations with another 35,000 members — include private criminal defense lawyers, public defenders, active-duty military defense counsel, law professors and judges committed to preserving fairness within America's criminal justice system. The unfair cost of long distance collect calls is a major concern for NACDL's members, as it places a tremendous burden on attorney-client communication. In August of 2002, NACDL's Board of Directors formally passed a resolution urging reform of prison telephone systems so that prisoners, their families, friends, and attorneys are charged reasonable rates for phone calls.

The National Immigration Project of the National Lawyers Guild is a national membership organization of lawyers, law students, legal workers and jailhouse lawyers working to defend and extend the rights of all noncitizens in the United States, regardless of immigration status. "We now cannot accept collect calls because the cost of accepting them is prohibitive, and our budget is limited. We communicate with our incarcerated members and provide technical assistance to prisoners by mail or when they have funds to pay for calls. A reasonable rate structure would allow us to provide more effective technical assistance to the inmates with whom we now correspond by mail and would enable us to communicate with more inmates than we do now."

The members of the New Mexico Criminal Defense Lawyers' Association are criminal defense lawyers who work closely with people in detention and their families. The members "wholeheartedly support" efforts to reduce the high cost of inmate long-distance calls.

North Carolina Prisoner Legal Services (NCPLS) is a non-profit, public service law firm that provides legal advice and assistance to people incarcerated in North Carolina. "NCPLS addresses matters involving inhumane conditions of confinement or illegal criminal convictions and sentences. Providing North Carolina inmates with information about their legal rights and responsibilities, NCPLS works to reduce frivolous litigation and to resolve legitimate problems through administrative channels. When serious problems cannot be resolved administratively, NCPLS offers legal representation in all State and Federal courts throughout North Carolina, and beyond. Encompassing some 52,669 square miles, North Carolina incarcerates more than 38,000 people in 78 prisons operated by the North Carolina Department of Correction (NC-DOC). With 100 counties, almost each of which has a jail and/or a municipal lock-up, on any given day an additional 14,000 people are detained pending trial (with some 250,000 annual admissions). On an annual basis, NCPLS handles some 13,000 cases, a portion of which involve litigation, including class action lawsuits. To the detriment of its clients, distances between correctional facilities in North Carolina and rules of the Department of Correction regarding telephone usage make it difficult to communicate with our clients, except by mail. For at least a decade, our

clients' legal interests (and their families' financial interests) have been harmed because of excessive rates for prisoner-initiated telephone calls."

NCPLS cannot accept calls from clients except in emergency situations (those involving an immediate threat of serious physical harm), due to the high calling rates. If the proposed regulations were enacted, NCPLS foresees expanding services to current clients through savings on travel expenses currently made necessary by the organization's inability to accept collect calls - and reaching inmates that it previously did not have the resources to serve.

The Office of the Appellate Defender is a not-for-profit firm of **20** lawyers that provides high quality, client-centered appellate and post-conviction representation for indigent defendants in New **York** City who are appealing their felony convictions. The office was created in 1988 pursuant to a resolution of the Administrative Board of the New York Courts and is the oldest indigent defense organization in New York City other than the Legal Aid Society. **The** vast majority of the firm's hundreds of clients are incarcerated in state prisons. In most cases, they are located hundreds of miles from New York City. Thus, for most of the firm's clients, visits from family members are difficult and rare, and attorney visits are time consuming and expensive. Although the office makes efforts to visit their clients, most contact **is by** mail and telephone. "**Our** office accepts collect calls from our clients on a regular basis. This is an important means of communication with clients. On average, the office spends more than \$2,000 per month on collect calls from prisons in New York. The money spent on such calls would be used for additional legal or support staff were it not spent on the exorbitant collect calls. We also know that the cost of calls places enormous burdens on families of clients, often impeding efforts to stay connected, which is an important component in rehabilitation and preparation for re-entry."

William **Parnall** is an attorney in Albuquerque, New Mexico who acts as counsel for many inmates of facilities affected by the rates for their calls to family members and attorneys. He hopes the Commission will adopt regulations that make these calls affordable to inmates.

The Pace University School of Law Immigration Justice Clinic (**IJC**) is a free legal clinic staffed by upper-division law students who have received intensive instruction and are qualified to represent and advise certain clients. **The** student attorneys work under the very close supervision of an attorney and law professor. The **IJC** is part of the umbrella independent corporation, John Jay Legal Services, Inc., through which all Pace Law clinics that represent individual clients operate.

IJC clients must be financially eligible and legally indigent, that is, the totality of **their** circumstances (including dependents, living situation, illness or disability, inability to work due to immigration status, etc.) and their available income and resources must make them unable, as a practical matter, to obtain or afford private legal counsel.

IJC student attorneys handle ~~all~~ types of immigration cases, not only asylum, ~~but also~~ applications for adjustment of status, for relief under the Violence Against Women Act, and for special visas for juveniles, victims of crime and trafficking, and other special statuses. They represent clients before the Department of Homeland Security Citizenship **and** Immigration

Services, before the Department of Justice Executive Office of Immigration Review and Board of Immigration Appeals, and before the United States Courts of Appeals. They frequently seek relief such as withholding or cancellation of removal or pursuant to the Convention Against Torture for prisoners incarcerated in Fishkill or Napanoch Correctional Facilities in Fishkill, New **York**, and in Bedford Hills and Taconic Correctional Facilities in Katonah, New **York**.

“The IJC tries to provide long-term continuity of representation, which is especially vital in these complex and long-lasting cases. However, our incarcerated clients are moved all over the country, to distant jurisdictions — principally to Pennsylvania facilities, which has necessitated **our** qualifying to practice in the Third Circuit. Without the capacity to communicate via long-distance telephone, continuity of representation would be impossible for us to maintain. And if we couldn’t continue representing these physically distant clients, that would create additional inefficiency in the whole system, because they would seek substitute counsel in closer proximity to their new places of imprisonment, and those new counsel in turn could legitimately demand adjournments so that they could become familiar with the cases, make different motions, raise alternative defenses, etc.

“Pace University is far from wealthy, in fact it is in such an extreme financial crisis at the moment that a salary freeze and a hiring freeze have been imposed. It is very hard to persuade the University hierarchy that our representation of prisoners is essential to **a** well-rounded educational experience in immigration practice, and in particular, that it is necessary to spend scarce tuition dollars on communication with our prisoner clients. **A** natural reaction to the absurdly high bills for very short conversations is “Well, maybe you just have to stop representing these people.” At a time when it is so difficult for incarcerated immigrants to find knowledgeable and honest representation — it is hard enough for NON-incarcerated immigrants to find competent, ethical representation, and many advocates simply cannot and will not take on the special burdens of representing prisoners — creating yet another obstacle to the availability of such representation is very poor public policy.”

The **ILJ** spends approximately \$300 per month on inmate collect calls for roughly 15 calls lasting a total of 125 minutes. If the proposed regulations were enacted, the **ILJ** would “be able to communicate better with our existing clients — which could accelerate the handling and disposition of their cases — and able to afford taking on additional new prisoner clients.”

Gary Peak is a criminal defense attorney in a small town in Texas. He represents a large number of criminal defendants who are unable to make bond. They are stuck in a county jail or prison unit. Accepting collect calls through Evercom from people in prison costs his office at least **\$4.50** per connection. This makes it very difficult to communicate with his clients as often as he needs to properly represent them. **Any** change the FCC can make to prevent this “highway robbery” would be greatly appreciated.

“Many attorneys try not to accept collect calls from jail now because of the cost. Court appointed counsel receive small payments and will usually not be repaid for the cost they incur in accepting ~~the collect~~ calls.”

The Pennsylvania Institutional Law Project provides free civil legal assistance to persons in prisons and jails in Pennsylvania. Angus Love, the Executive Director, states: “I have litigated this issue without success before the Pennsylvania Commonwealth Court and the Pennsylvania

Public Utilities Commission. We have been successful in getting legislation passed to provide for an alternate method of payment, *i.e.* debit cards, available through the commissary.”

The Political Asylum Project of Austin (PAPA) is a nonprofit organization that provides high quality low cost and free legal representation to immigrants throughout central Texas. “One of our programs works specifically with detained immigrants who need to make long distance collect calls to family and friends and to our office. The high costs of prison calls are a hindrance for our clients, their families, and our organization.”

The Public Justice Center (PJC), a non-profit civil rights and anti-poverty legal services organization founded in 1985 and based in Maryland, has a longstanding commitment to protecting the rights of prisoners and to ensuring that persons harmed by the government are not denied a remedy. The PJC has represented prisoners in civil claims, and participated *as amicus curiae* in cases involving prisoners’ rights. The PJC currently serves as co-counsel, along with the American Civil Liberties Union’s National Prison Project, for the plaintiffs in *Duvall v. Ehrlich*, No. JFM-94-2541 (D. Md.), a case involving the constitutional rights of detainees in the Baltimore City Detention Center.

The PJC’s primary interest in the FCC proceeding is as an advocacy organization that seeks to protect and expand prisoners’ rights, including reasonable access to family and other community supports, which should include affordable telephone access. Its concern is that unconscionable phone rates increase the social isolation of prisoners and thereby exacerbate their challenges on re-entry, increase recidivism, and increase their children’s changes of a difficult social adjustment.

According to its Legal Director, Debra Gardner, the PJC cannot accept collect calls from inmates, because the organization simply cannot afford to. All of its jailed clients **are** in the Baltimore City Detention Center, so staff have to go over to the jail in person whenever there is a need to talk with a client. Clients have to write to the organization, or in unusual emergency situations, the staff have to rely on family and service organizations as intermediaries.

Laura Kelsey **Rhodes** is a criminal defense attorney and immigration attorney in Washington, D.C., and Maryland, with Albright & Rhodes, LLC. Many of her Maryland and Virginia immigration clients are detained at rural facilities far from both her office and their homes. **A** visit from family or an attorney is a day-long event – very costly in either instance. Thus, telephone contact is essential. Clients in deportation proceedings are facing life-changing hearings and need to consult frequently with both an attorney and family in order to make informed decisions.

Current telephone charges from most facilities are exorbitantly high and have a significant effect on the ability of those detained to make calls. Her office gets charges for accepting collect calls from one facility at a minimum of \$14 regardless of the length of the call. This means that they have to focus on costs often ~~at the expense of~~ focusing on legal representation– Detained immigrants have no right to appointed counsel, so no government funds are ever used to defray these costs.

When clients call collect from some facilities, they get a recording saying that her **firm** does not accept collect calls – this is incorrect. In fact, she may not use the carrier that the prison contract requires her to use. Thus her clients can be completely cut off from calling her.

Bill Stanton **is** an independent contractor who works for contract public-defender attorneys in New Mexico. He supports the reduction of prison calling rates charged to prisoners and their families. “I believe the rates charged are unnecessarily high, even exorbitant, and are set at that level to serve the interests of the communications companies, their owners and shareholders, not prisoners **or** their loved ones.” As an independent contractor, **Mr.** Stanton, avowedly “not the typical ‘consumer’ of prison phone calls,” as most of his expenses are reimbursed by the public defenders who employ him, spends approximately \$10-15 per month on two or three calls lasting a total of 40 minutes to an hour.

The Sylvia Rivera Law Project (**SRLP**) works to guarantee that all people are free to self-determine their gender identity and expression, regardless of income or race, and without facing harassment, discrimination, or violence. Some of **SRLP**’s clients and community members are among the rising numbers of the incarcerated. In addition to the gender identity discrimination experienced by them in this climate such issues as high phone call rates from prisons affects the well being of **SRLP** clients — and, because **SRLP** believes in empowering its clients regardless of the environments they are in, the organization wishes to eradicate such hardships faced by its incarcerated clients.

Stender & Pope, P.C., is a firm of immigration attorneys in San Diego, California, serving inmates both in California and out of state. “We appear regularly in Immigration Court on behalf of detained individuals. We also accept many cases on a pro bono basis. Immigrants held by ICE in detention centers have only a very limited ability to contact attorneys. Although we accept collect phone calls, the phone system often times breaks down, and immigrants are forced to use calling cards. We pay about one thousand dollars per month in each of our two offices for collect phone calls. The current system is very expensive, and only a slim percentage of immigrants are able to make calling card calls, and these are very limited in time and number. Communication with current and potential clients is the most important issue in regards to the detention of immigrants.”

Harry Zimmerman is an attorney in New Mexico whose firm provides representation for indigent prisoners. The firm’s clients need to contact the **firm** through long-distance, collect telephone calls. Long distance rates run as high as \$50 per month. The **firm** has attempted to provide a toll-free number for its clients, but they are unable to use it under the present system in the California prisons.

D. Advocacy organizations and others

The **Rev. Kobutsu Malone** is a Zen Buddhist priest who serves as a prison and death row chaplain. He has been working with people in prison **for around 17 years**. His **ministry** runs on begging – his only income consists of what he can get people to donate. **As** a result, he has had to refuse calls from some incarcerated people in need of pastoral counseling due to his inability to pay for the calls.

Dee Ann Newell, M.A. is a senior researcher for a statewide nonprofit in Arkansas called Arkansas Voices for the Children Left Behind, Inc., founded in 1994, which offers advocacy, research, training, and direct services for children of the incarcerated with four offices in the state of Arkansas. "The high costs of incarcerated parents trying to maintain telephone contact with their children poses a significant barrier to one of the most important protective factors for our children: contact with their parents. I live in Arkansas, and the Bill of Rights for Children of the Incarcerated Arkansas Coalition extrapolated some figures based on parental incarceration indicating that the relative caregivers of children of incarcerated parents in the Arkansas prison system *spend approximately 30%* (This is a minimal estimate of one 15" phone call per month=12x per year) *of the families' public assistance dollars (TANF) on the collect phone calls, with the public assistance dollars going into the pockets of the DOC and the corporate phone company. TANF dollars are indirectly funding the DOC and the phone corporation.*

I believe strongly that any reduction of rates needs to emphasize the barrier for the children and the harm done in that way, along with the use of the stat that prisoners have a six times greater likelihood of remaining home, non-offending, if they have strong family ties—that's public safety at its best."

The Housing Assistance **and** Resource Program (HARP) is a rental assistance program in Lebanon, **PA**. "We want to sign on because we see the hardships families suffer when a family member goes to prison. . . . many clients' budgets are so tight that a high phone bill can easily cause them to end **up** in eviction proceedings." Program representatives also stress the importance of families staying in touch with **an** incarcerated member. "Children should **be** able to continue to stay in contact with that parent. They should not suffer for their parent's mistakes. What if a child had a really hard day in school and needs to hear their mother's voice and talk out the problem why should that child not be able to do this because of cost?"

Justice **Fellowship** is a non-profit organization based in Virginia working to reform the criminal justice system alongside state/federal policymakers and corrections officials. "Although we work with a variety of issues, one key issue is that of strengthening the families of the incarcerated. It is imperative that incarcerated members maintain a relationship with their families while in prison if they are to reenter society successfully. The family plays a key supportive role during that time and helps to reduce the likelihood of recidivism. Phone communication is the most effective way to maintain the family relationship. And since most families live a great distance from their incarcerated loved one, it is the **ONLY** way they can communicate current events. With the current phone rates, families cannot afford to maintain this contact. .."

Justice Works! is a Washington State based 501c3 non-profit whose work makes communities safer by addressing underlying causes of crime. "We understand that desperation and defiance are key factors contributing to a person's decision to commit a crime. Our dramatization entitled *Set Up To Fail* clearly demonstrates the devastating impact of **overwhelming debt on** people, families and communities. A large part of this debt comes from the design of the criminal justice system and could be avoided. One section of the play specifically presents the impact of the high cost of telephone calls on relationships between incarcerated people and those who care about

them. Justice Works! strongly supports all efforts to reduce the cost of telephone services for incarcerated people.”

The Public Advocate for the City of New York is an independently elected citywide official, next in line to the Mayor, and acts as an ombudswoman for residents of the City. The Office of the Public Advocate is responsible, among other duties, for monitoring the compliance of City officials with the City’s charter.

An inherent responsibility of both the Public Advocate for the City of New York and of the New York City Council is to challenge State policies that unfairly burden the City’s constituents. To this end, Betsy Gotbaum, Public Advocate for the City of New York, led a group including several members of the New York City Council, in submitting an amici brief requesting that the Court of Appeals reverse the decision of the Appellate Division in the matter of Walton v. New York State Department of Correctional Services and MCI.

Specifically, the Office argued that New York State prisoners have no choice but to use the MCI collect call system, and those who accept their calls are forced to pay excessive rates. A prisoner’s family and friends are charged a \$3 connection fee and 16 cents per minute, with the average prison phone call costing more than \$6. The majority of these family members and friends are predominately concentrated in low-income neighborhoods. Clearly, such rates can be burdensome for those struggling at or below the poverty line.

Furthermore, the Office urged the Court to consider that the maintenance of a strong relationship between an incarcerated individual and his/her children is paramount in helping to address the emotional and developmental issues that may arise from the sudden absence of a parent. Distance and transportation costs often become barriers in maintaining a relationship between incarcerated parents and their children. As a result, phone communication is the primary method of maintaining a relationship, and these excessive rates jeopardize such communication.

The Restorative Justice Community of Charlottesville/Albemarle is a networked community that works to ensure public safety using community restorative practices. “The importance of lowering the long-distance rates for prison calls can not be over emphasized. Many of the family members who are struggling to maintain a healthy communication with their loved ones become further victimized by the high cost of calls, the lack of privacy, and the background noise and distractions. We know from research and practice that civil and respectful relationships will provide a much needed resiliency to everyone involved.”

Safe Streets Strong Communities is a grassroots organization focusing on criminal justice reform in the policing, detention and court system in New Orleans. “Part of our work is to advocate for the thousands of prisoners in New Orleans Parish who are not getting due process because of system failures related to and pre-dating Hurricane Katrina by accepting collect phone calls to provide basic information and advocating for those who are being held illegally based on information attained over the phone. We also rely on collect phone calls for data collection about conditions and to monitor the progress of the rebuilding of the criminal justice system. Because many prisoners of Orleans Parish cannot be housed in our damaged jail

buildings, **many** of our base are in Corrections Corporation of America facilities in Louisiana but outside **of** New Orleans.”

The organization spends an average of \$1400 per month on inmate collect calls for around 250 calls lasting roughly 3 minutes each.

B

C

APPENDIX B: DECLARATION OF PROFESSOR ROBERT POLLIN

In the Matter of: :

Implementation of Pay Telephone : CC Docket 96-128
Reclassification and Compensation :
provisions of *the*
Telecommunications **Act** of 1996 :

Petitioners' Alternative Rulemaking :
Proposal

DECLARATION OF ROBERT POLLIN, Ph.D.

Dr. ~~Robert~~ Pollin declares that the following is true under *the* penalty of ~~perjury~~:

I. QUALIFICATIONS

1. **My** name is Dr. Robert Pollin and I **am** a professor of economics at the University of Massachusetts-Amherst, where I have taught since 1998. My main areas of research are financial macroeconomics and **political** economy.

2. I graduated from the New School for Social Research with a Ph.D. in economics in 1982.

3. I then taught economics at the University of California at Riverside from 1982 through 1998, when I came to the University of Massachusetts.

4. At the University of Massachusetts, I **am founding** codirector of the **Political Economy Research Institute (PERI)**. PERI promotes policy-relevant research in

the areas of macroeconomics, labor economics, development, and, more broadly, the analysis of globalization.

5. I am the author of several books, including *A Measure of Fairness: The Economics of Living Wages and Minimum Wages in the United States* (forthcoming 2007 with Mark Brenner, Jeannette Wicks-Lim, and Stephanie Luce), *An Employment-Targeted Economic Program for South Africa* (2007 with Gerald Epstein, James Heintz and Leonce Ndikumana), *Contours of Descent: U.S. Economic Fractures and the Landscape of the Global Austerity* (2003) and *The Living Wage: Building a Fair Economy* (1998 with Stephanie Luce). I also edited *Human Development in the Era of Globalization* (2006 with James Boyce, Stephen Cullenberg, and Prasanta Pattanaik), *Globalization and Progressive Economic Policy* (1998 co-edited with Dean Baker and Gerald Epstein), *The Macroeconomics of Saving, Finance and Investment* (1997), *New Perspectives in Monetary Macroeconomics: Explorations in the Tradition of Hyman Minsky* (1994 co-edited with Gary Dimski), and *Transforming the U.S. Financial System: Equity and Efficiency for the 21st Century* (2003 co-edited with Gary Dimski and Gerald Epstein).

6. I have served as a consultant to many governmental entities, including the Joint Economic Committee of the U.S. Congress (1987-89), the United Nations Development Program in South Africa and Kenya (2003 - 2007), Bolivia (1990), and as a member of the U.S. Government's Capital Formation Subcouncil of the Competitiveness Policy Council (1992-93).

7. A copy of my curriculum vitae is attached as Exhibit A.

n. PURPOSE OF TESTIMONY

8. I submit this testimony in support of the comments submitted to the Federal Communications Commission by the members of the Ad Hoc Coalition for the Right to Communicate.

III. AMOUNT MEMBERS OF THE COALITION WILL SAVE AS A RESULT OF THE PROPOSED RATE CAP

9. It is my understanding that the Alternative Rulemaking Proposal currently before the Commission suggests a cap on collect call rates from prisons of **\$0.25** per minute with no additional per call fee. Attorneys for the Ad Hoc Coalition tell **me** that fees can be **as high as** \$0.85 per minute, with **a \$3.95** per call fee. Given these rates, and assuming one one-hour phone call per week, the recipient of prisoner phone calls would **see** phone call costs fall by about \$160 each month. This cost savings is calculated **by** adding together per-minute savings of \$0.60 (**\$0.85 - \$0.25**) and **per-call** savings **of \$3.95** that the proposal would provide and **by** assuming four 60-minute phone calls per month ($\$0.60 \times 4 \times 60$) + ($\3.95×4) = **\$159.80**). Below I will evaluate specifically the **impact** of the cost **savings** that would result from what is being proposed.

IV. THE IMPACT OF \$160 IN SAVINGS ON THE FAMILY OF A TYPICAL PRISONER

10. The need to spend about **\$220** on phone calls each month ($(\$0.85 \times 4 \times 60) + (\$3.95 \times 4) = \$219.80$) imposes a severe financial burden on the average family with a member who is in prison. **As** I describe in more detail below, it may well cause such families to face difficulties in purchasing basic necessities, including food and shelter in order to pay for the phone calls.

The Financial Situation of the Family of the Typical Prisoner

11. The average prisoner comes from a low-income household.

12. As of 1997, the typical state prisoner had earned a monthly income prior to incarceration of less than \$1,000/month in 1997 dollars, which is equivalent to about \$1,265/month in 2006 dollars. See Caroline Wolf Harlow, *Education and Correctional Populations*, U.S. Department of Justice, Bureau of Justice Statistics (Jan. 2003), p. 10, table 14, available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ecp.pdf>.

13. As of 1997, the typical state prisoner had lived in a household of at least three persons before incarceration. See Caroline Wolf Harlow, *Education and Correctional Populations*, U.S. Department of Justice, Bureau of Justice Statistics (Jan. 2003), p. 10, table 14, available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ecp.pdf>.

14. In many households, only two of those members are potential wage earners, because as of 1999, the typical prisoner in a state or federal prison had at least one child under the age of 18. Nearly half had at least one child under the age of 14. See Christopher J. Mumola, *Incarcerated Parents and Their Children*, U.S. Department of Justice, Bureau of Justice Statistics (Aug. 2000), available at <http://www.ojp.usdoj.gov/bjs/pub/ascii/iptc.txt>.

15. If each of the wage earners brings in \$1,265/month, this would produce a household income of roughly \$2,500/month or \$30,000 per year. This is equivalent to less than 200% of the official Federal Poverty Threshold of \$16,227 for a family of three. See U.S. Census, *Poverty Thresholds* 2006, available at <http://www.census.gov/hhes/www/poverty/threshld/thresh06.html>.

16. The Federal Poverty Threshold is widely recognized by poverty researchers as being inadequate. See *Measuring Poverty: A New Approach* (Constance F. Citro & Robert T. Michael, eds.) 1995.

17. However, even based on **the** federal poverty threshold, the family of the typical prison inmate is best described **as** low-income.

18. **A** respected recent study found that families with incomes under **200%** of the Federal Poverty Level experienced economic hardships. Heather Boushey, Chauna Brocht, Bethney Gundersen, and Jared Bernstein, Economic Policy **Institute**, *Hardships in America: The Real Story of Working Families* (2001).

19. In particular, 29% experienced critical hardships, including not having enough food to eat or missing meals, not receiving necessary medical **care**, being evicted, utilities disconnected, or doubling up with friends or family. *Id.*

20. **74%** experienced serious hardships, including not being able to **buy** the kinds of food preferred or worried **about** having enough food, having emergency room **as** main source of care or no health **insurance** coverage, being unable to make housing **or** utility payments or having telephone **disconnected**, or having inadequate childcare. *Id.*

21. This estimate of **\$2,500/month** is **also** more **than \$600/month** below the **national** average of **the** Economic Policy Institute's basic budget income threshold of **\$3,167** monthly in **2006** dollars (calculated for a family of **three** with one child under **age 12**, and by averaging **across** Metropolitan Statistical **Areas** and rural areas **within each** state and **then** averaging across **states**, adjusting for state population). See Economic Policy Institute, Basic Family Budget Calculator (Sep. 2005), available at http://www.epi.org/content.cfm/datazone_fambud_budget.

22. The basic family budget threshold is described by the Economic Policy Institute as "the income required for a safe and decent though basic standard of living."

Id. A family whose income is more than \$600/month below the Economic Policy Institute's basic budget income threshold experiences **serious** economic hardship.

23. These economic hardships are **likely** to be exacerbated by the incarceration, **and** consequent loss of earning power, of **one** of the wage earners in the family.

The Impact of a Phone Bill Reduction of \$160/month on the Average Family of a Prisoner

24. Since the average family of a prisoner has a difficult time paying for food, medical care, shelter, or other necessities even before the incarceration of one of its wage earners, the need to pay \$160 each month for collect calls **from** prison (the current cost of phone calls in excess of the proposed cap) further reduces their ability to **pay** for such essential items.

25. One way to evaluate the impact of the potential impact of having to pay **an** additional \$160 monthly is to compare it to the various components of the basic family budget for a family of three (national average). In column 2 the following table, I present the monthly cost of each budget item, based on the Economic Policy Institute Basic Family Budget Calculator. See Economic Policy Institute, Basic Family Budget Calculator (Sep. 2005), available at <http://www.epi.org/content.cfm?datazone=fambud-budget>. In column 3, I show the potential cost saving relative to each budget item.